

Exhibit 5

1 Ginger Cruz was. This person was coming onboard and
2 there was this big joke that don't -- you know, no one
3 would put anything on their walls because you never knew
4 when she would come in and say you're fired. And I
5 thought that's ridiculous. How can one person wield that
6 much power? So I would hear all of these things. Didn't
7 -- there were just things that I heard.

8 THE INVESTIGATOR: Um-hum.

9 THE WITNESS: But then I witnessed, even with
10 myself, there were little things that -- and I only had
11 -- I believe with Ginger, we only spoke two or three
12 times, but she always had a problem calling me by my
13 name, which is Patricia. How hard is that? She would
14 always say Pat. And so one day I had mentioned to one of
15 my -- one of the people that I shared an office with,
16 well, the next time she says Pat I'll correct her and
17 they went don't do that.

18 It's my name. I don't want to -- I would
19 prefer being called Patricia. So I remember giving her
20 something and she said thanks, Pat. I said Ginger --
21 now, Denise had already said to her, more than once,
22 please, Patricia prefers being called Patricia, not Pat.
23 She always said it. And that day it was my opportunity
24 to say to her I prefer being called Patricia. She said
25 oh, Pat. I don't know why I can't remember that. All

1 right, thank you.

2 THE INVESTIGATOR: Was that a response, oh,
3 Pat, I don't --

4 THE WITNESS: That was her response to me and I
5 just -- I said okay. I said well, I will prefer Patricia
6 and it was all in this same week with the naming, my
7 name, doing the job description and then I get the phone
8 call from Ben.

9 THE INVESTIGATOR: All within a week's time?

10 THE WITNESS: Pretty much, yeah.

11 THE INVESTIGATOR: Are you -- anyone having
12 treated the Complainant differently because of her race,
13 national origin, sex or any other reason that you
14 observed again in the workplace?

15 THE WITNESS: Would you repeat that?

16 THE INVESTIGATOR: Are you aware of anyone
17 having treated the Complainant, Ms. Burgess --

18 THE WITNESS: Um-hum.

19 THE INVESTIGATOR: -- differently because of
20 her race, national origin, sex?

21 THE WITNESS: No.

22 THE INVESTIGATOR: Okay.

23 THE WITNESS: And are you speaking of the
24 employees or Ginger and Stuart?

25 THE INVESTIGATOR: Both employees and members

1 of management.

2 THE WITNESS: Well, Stuart also stopped
3 speaking to her, it seemed.

4 THE INVESTIGATOR: So you said that
5 Mr. Bowen --

6 THE WITNESS: Um-hum.

7 THE INVESTIGATOR: -- stopped speaking with you
8 and --

9 THE WITNESS: Apparently -- yeah. He -- every
10 day he was in Ms. Burgess's office, when I first arrived.
11 They were meeting. Denise would abreast him of what was
12 going on, his calendar. Her phone was always -- Stuart
13 was always calling. She was always keeping him up to
14 date on everything. She couldn't make a move without
15 Stuart and Stuart was always there, talking to Denise,
16 seeking her advice. Within -- as I said, just before I
17 was let go there was this month of him -- he just stopped
18 talking with me, really not conversing with Denise. And
19 it was uncomfortable. I mean, everyone could see
20 something was going on. No one quite understood what was
21 going on.

22 THE INVESTIGATOR: Did you notice Ms. Cruz
23 taking some of the duties away from Ms. Burgess?

24 THE WITNESS: In her own little way, yes, I
25 did.

1 THE INVESTIGATOR: Can you explain, in her own
2 way, what that means?

3 THE WITNESS: Well, we could be working on
4 something. Denise may have said, you know, Patricia
5 contact so-and-so, whatever, and for whatever reason,
6 Ms. Cruz would jump the gun and would've done it. Now,
7 it did -- at one point, I believe -- we did say Denise
8 said, you know, she was in training or something and she
9 said if you need help, let Ms. Cruz know and if she can
10 assist you -- so we always tried to be cooperative with
11 Ginger, but Ginger would also just start taking our
12 responsibilities and then letting us know, putting us in
13 the loop in the end or we would find out that she had
14 done something or contacted a reporter or something that
15 we normally would do in the press office.

16 THE INVESTIGATOR: At the time of your
17 termination were there other terminations going on at the
18 same time?

19 THE WITNESS: Not that I know of, no.

20 THE INVESTIGATOR: Had you been told that the
21 Public Affairs section, there was actually going to be
22 more hiring, another person hired, say like a month
23 before you were terminated? Did you hear conversations
24 to that effect?

25 THE WITNESS: I don't recall.

1 THE INVESTIGATOR: Are you aware of Ms. Cruz
2 reviewing anyone's time and attendance records of
3 employees --

4 THE WITNESS: Well, I knew that the time and
5 attendance records were reviewed by Ms. Cruz at some
6 point because I would hear people say we would have to --
7 they would have to pass it on to Ms. Cruz.

8 THE INVESTIGATOR: Do you know why that came
9 about?

10 THE WITNESS: No. It didn't concern me as to
11 why.

12 THE INVESTIGATOR: I think that's all the
13 questions I have. Ms. Bernardo, if you have any
14 questions?

15 MS. BERNARDO: Did you think Ms. Cruz calling
16 you Pat was racist?

17 THE WITNESS: I wouldn't say it was racist. I
18 think it was very inappropriate. I wouldn't call her
19 anything but what she wanted to be called and I just
20 thought that she didn't have respect for me.

21 MS. BERNARDO: Okay, thank you. I don't have
22 any other questions.

23 THE INVESTIGATOR: Okay. Mr. Baratz, do you
24 have any questions?

25 MR. BARATZ: No questions, thank you.